

Amendment No. 1 to SB2692

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2692

House Bill No. 2534*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 13-3-402(a)(1), is amended by deleting the language "no more than two (2) lots" and substituting "no more than twenty-five (25) lots if the development received preliminary plan approval through the regional planning commission, or five (5) lots if the development did not require preliminary plan approval through the regional planning commission"; and is further amended by deleting the language "upon certification by the planning staff of the regional planning commission" and substituting "and upon certification by the regional planning commission, or by the planning staff of the regional planning commission if the commission has delegated this responsibility to its planning staff pursuant to subsection (c),".

SECTION 2. Tennessee Code Annotated, Section 13-3-402(b), is amended by deleting the first sentence and substituting:

A county register shall not receive, file, or record a plat of a subdivision, or an amendment, modification, or correction to a recorded plat of a subdivision, without the approval of the regional planning commission, or the planning staff of the regional planning commission if this responsibility has been delegated to the planning staff pursuant to subsection (c), when and as required by this part.

SECTION 3. Tennessee Code Annotated, Section 13-3-402(c), is amended by designating the existing language as subdivision (c)(1) and adding the following new subdivisions:

(2) A regional planning commission may only delegate the responsibility for approval of a subdivision plat that includes:

(A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the regional planning commission; or

(B) No more than five (5) lots if the development did not require preliminary plan approval through the regional planning commission; provided, that:

(i) The subdivision complies with such regulations governing a subdivision of land as adopted by the regional planning commission pursuant to § 13-3-403;

(ii) No request for a variance from such regulations has been requested; and

(iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (c) unless the plan received preliminary approval by the regional planning commission.

(3) A regional planning commission shall not delegate to its planning staff the authority to preliminarily approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters of this section, unless each county and municipal legislative body, lying in whole or in part within, and subject to, the jurisdiction of the regional planning commission, approves such delegation by a majority vote of their respective legislative bodies.

SECTION 4. Tennessee Code Annotated, Section 13-4-302(a), is amended by deleting the language "no more than two (2) lots" and substituting "no more than twenty-five (25) lots if the development received preliminary plan approval through the municipal planning commission, or five (5) lots if the development did not require preliminary plan approval through the municipal planning commission"; and is further amended by deleting the language "upon

certification by the planning staff of the municipal planning commission" and substituting "upon certification by the municipal planning commission, or by the planning staff of the municipal planning commission if the commission has delegated this responsibility to its planning staff pursuant to subsection (d),".

SECTION 5. Tennessee Code Annotated, Section 13-4-302(c), is amended by deleting the first sentence and substituting:

A county register shall not file or record a plat of a subdivision of land, or an amendment, modification, or correction to a recorded plat of a subdivision, within the municipality without the approval of the municipal planning commission, or the planning staff of the municipal planning commission if this responsibility has been delegated to the staff as provided in subsection (d), as required by this part.

SECTION 6. Tennessee Code Annotated, Section 13-4-302, is amended by adding the following new subsection (d):

(d)

(1) A municipal planning commission may delegate the responsibility for approval of a subdivision plat to the planning staff of the municipal planning commission by a majority vote of the municipal planning commission that is taken at a public meeting after being placed on the municipal planning commission's meeting agenda and notice being provided as required for other matters before the municipal planning commission.

(2) This delegation may only include subdivision plats that include:

(A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the municipal planning commission; or

(B) No more than five (5) lots if the development did not require preliminary plan approval through the municipal planning commission; provided, that:

(i) The subdivision complies with such regulations governing a subdivision of land as adopted by the municipal planning commission pursuant to § 13-4-303;

(ii) No request for a variance from such regulations has been requested; and

(iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (d) unless the plan received preliminary approval by the municipal planning commission.

(3) A municipal planning commission shall not delegate to its planning staff the authority to preliminarily approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters of this section, unless the municipal legislative body approves such delegation by a majority vote of the legislative body.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.